

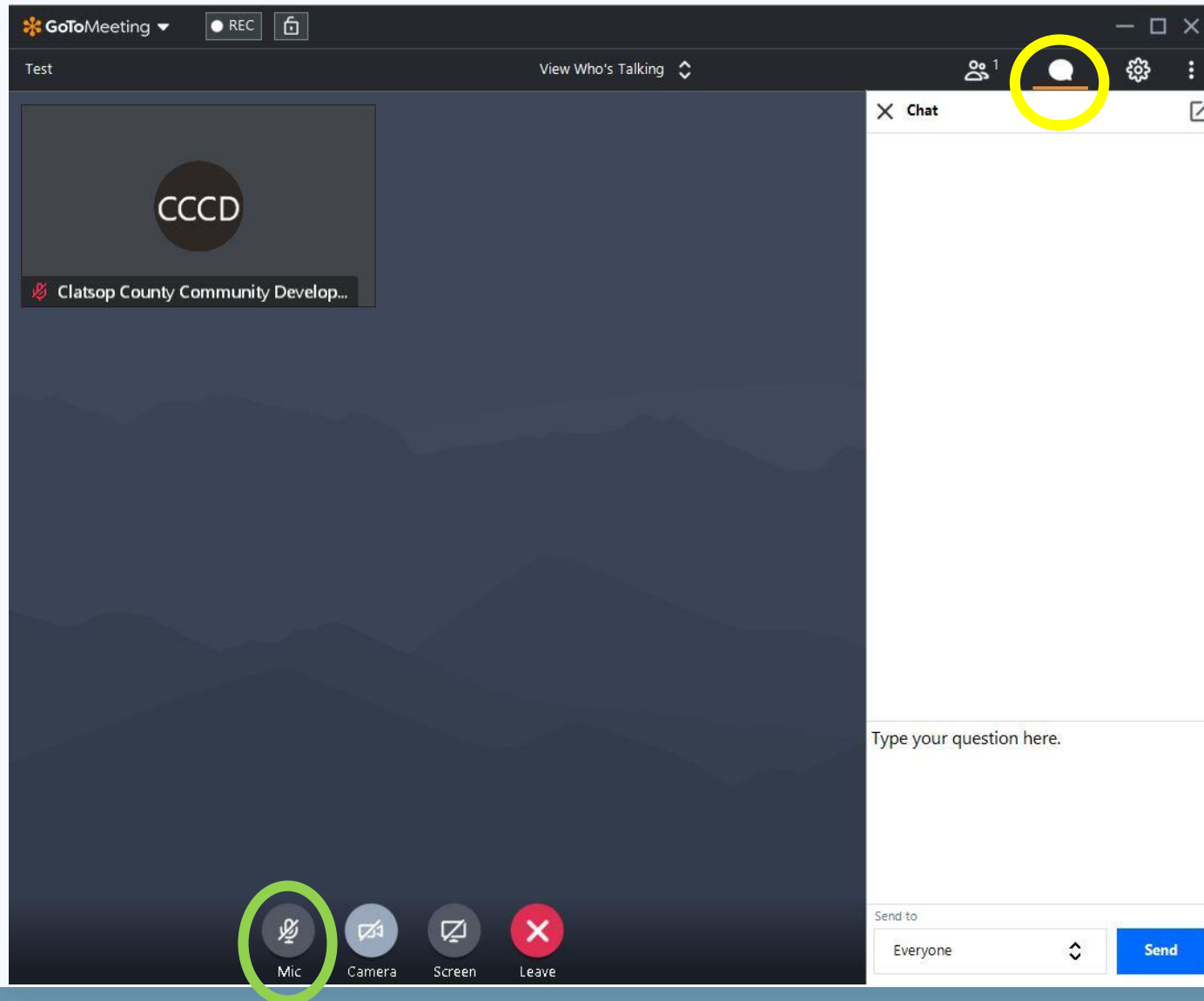
STR ORDINANCE REVISIONS TOWN HALL #3

JANUARY 22, 2022

OUTLINE

1. Welcome and Introductions
2. GoTo Meeting
3. Background
4. “Good Neighbor” Standards
5. Local Representative
6. Neighborhood Notification Requirements
7. Zoning / Licensing Options
8. Next Meetings / Steps

GOTO MEETING TIPS



- Questions can be typed into the chat box (see area circled in yellow to the left)
- Phone callers can mute / unmute by using *6
- If you are not speaking, please have your phone or microphone on mute (see area circled in green to the left)
- To make sure that everyone has a chance to speak and be heard, please wait until you are called upon

BACKGROUND

	2021							2022			
	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR
DLCD 45-Day Notice for Moratorium (must be sent to DLCD at least 45 days prior to final public hearing)	✓	✓									
Prepare Draft Moratorium Ordinance	✓	✓									
BOC Work Session / Town Hall – Moratorium Ordinance		✓									
14-Day Public Comment Period – Moratorium Ordinance		✓									
1 st Public Hearing – Moratorium Ordinance (August 11)			✓								
2 nd Public Hearing – Moratorium Ordinance (August 25)			✓								
Moratorium in Effect for Initial 120-day period, with possible extension				✓	✓	✓	✓	✓			
Prepare Draft #1 - Combined Ordinance and Revisions	✓	✓	✓								
BOC Work Session / Town Hall – Draft #1				✓							
14-Day Written Public Comment Period – Draft #1				✓							
Prepare Draft #2 – Combined Ordinance and Revisions					✓						
BOC Work Session / Town Hall – Draft #2						✓					
14-Day Written Public Comment Period – Draft #2						✓					
Prepare Draft #3 – Combined Ordinance and Revisions							✓				
BOC Work Session / Town Hall – Draft #3 – JANUARY 26, 2022											
14-Day Written Public Comment Period – Draft #3											
1 st Public Hearing – Combined Ordinance (February 9, 2022)											
2 nd Public Hearing – Moratorium Ordinance (February 23, 2022)											

Board of Commissioner Work Sessions:

- February 24, 2021
- April 20, 2021
- June 1, 2021

Board of Commissioner Meetings:

- August 25, 2021
Board adopts moratorium, effective September 1, 2021
- December 8, 2021
Board extends moratorium through April 28, 2022

Public Town Hall Meetings

- September 24, 2021
- November, 2021

“GOOD NEIGHBOR” STANDARDS

	JURISDICTION	“GOOD NEIGHBOR” STANDARDS
EXISTING	CLATSOP COUNTY ORDINANCE 19-04	Not addressed in ordinance
EXISTING	CLATSOP COUNTY ORDINANCE 17-02 (ARCH CAPE)	Not addressed in ordinance
PROPOSED	CLATSOP COUNTY	Add posting requirement (see separate draft “Good Neighbor” flyer)
CANNON BEACH		Not addressed in ordinance
GEARHART		Posting required
LINCOLN COUNTY		Not addressed in ordinance
MANZANITA		Not addressed in ordinance
SEASIDE		Posting required

Explanation: Good neighbor policies have been proposed by STR owners in the Cove Beach area. Staff has not received public input opposed to requiring good neighbor policies to be posted within an STR or provided to the STR renters. Requirement will have minimal cost impact to STR owners and will provide an additional tool to educate renters about the need to respect the residential nature of the surrounding area.

LOCAL AGENT / REPRESENTATIVE

	JURISDICTION	LOCAL AGENT / REPRESENTATIVE
EXISTING	CLATSOP COUNTY ORDINANCE 19-04	Must contact a renter by phone or in person within 20 minutes of receiving any complaint
EXISTING	CLATSOP COUNTY ORDINANCE 17-02 (ARCH CAPE)	No requirements other than to provide contact info if there is a designated agent
PROPOSED	CLATSOP COUNTY	Must be available by phone and/or email 24 hours/day, 7 days/week. Must contact a renter by phone, text and/or email within 20 minutes of receiving any complaint. Must be able to physically respond to the STR within 30 minutes. Delayed responses due to traffic congestion/accidents and/or acts of nature will be considered on a case-by-case basis. Require outdoor sign, readily visible to the public, containing STR designated agent contact information.
CANNON BEACH		Must permanently reside within the Cannon Beach Urban Growth Boundary (UGB) <i>or</i> be a licensed property management company with a physically-staffed office within 10 vehicular miles of the Cannon Beach UGB. Must respond to complaints within a “timely manner”.
GEARHART		Contact person must be available by phone 24 hours/day, 7 days/week. Must be able to physically respond to the STR within 30 minutes.
LINCOLN COUNTY		Contact person must be able to normally respond within one hour, unless circumstances require a lesser or greater time. Outdoor sign with agent contact info required.
MANZANITA		Must live within a 10-mile radius of the STR and be able to respond in person within 20 minutes. Must be able to respond on a 24-hour basis at all times and be able to access the STR. Outdoor sign with agent contact info required.
SEASIDE		Must permanently reside within the county.

Explanation: The County is not recommending owner occupancy or onsite management for STRs. Because many owners do not live within the County or even the state, a designated local agent is required to ensure that renters are aware of local requirements, that the “Good Neighbor” policies are enforced, and that the STR remains in compliance with all applicable state and local regulations. In addition to the jurisdictions shown above, Tillamook County requires a response within 20 minutes. While concerns have been raised about an STR being found in violation when traffic and/or weather prevents the agent from arriving within the designated time, those occurrences can be addressed on a case-by-case basis as needed. The intent is to provide a measurable level of accountability and response, while utilizing a common sense approach regarding unforeseeable events.

NEIGHBORHOOD NOTIFICATION

	JURISDICTION	NEIGHBORHOOD NOTIFICATION REQUIREMENTS
EXISTING	CLATSOP COUNTY ORDINANCE 19-04	300 feet of STR property
EXISTING	CLATSOP COUNTY ORDINANCE 17-02 (ARCH CAPE)	100 feet of STR property – County currently applies 300-foot requirement to all STRs regardless of area
PROPOSED	CLATSOP COUNTY	300 feet of STR property
	CANNON BEACH	Not addressed in ordinance
	GEARHART	200 feet of STR property
	LINCOLN COUNTY	250 feet of STR property
	MANZANITA	Not addressed in ordinance
	SEASIDE	100 feet of STR property

Explanation: Current notification requirements have been increased since adoption of initial ordinance. Distance requirements exceed requirements in other jurisdictions utilized in this comparison.

ZONING / LICENSING

	JURISDICTION	ZONING
EXISTING	CLATSOP COUNTY ORDINANCE 19-04	Allowed in any legal single-family dwelling; no zoning districts specified
EXISTING	CLATSOP COUNTY ORDINANCE 17-02 (ARCH CAPE)	Allowed in Arch Cape as a Type I use; Section 4.0620(12), LAWDUC Development permit; no public hearing required
PROPOSED	CLATSOP COUNTY	See options below
	CANNON BEACH	<p>14-day rentals permitted only in the following zones: RVL: Residential Very Low Density RL: Residential Lower Density R1: Residential Moderate Density R2: Residential Medium Density R3: Residential High Density MP: Manufactured Dwelling and Recreational Vehicle Park Zone RAM: Residential Alternative / Manufactured Dwelling Zone</p> <p>Vacation Rental or Short-Term Rentals are not called out in individual zoning districts. Separate section in zoning ordinance addresses STRs (Section 17.77). No public hearing required.</p>
	GEARHART	<p>No longer allowed in the following zones: R-A: Rural Agricultural Zone R-1: Low Density Residential Zone R-2: Medium Density Residential RCPD: Residential Commercial Planned Development Zone</p> <p>Permitted in R3 Zone, but not specifically called out in this district. Separate section in zoning ordinance addresses STRs (Article 7); no public hearing is required.</p>

ZONING / LICENSING

	JURISDICTION	ZONING
	LINCOLN COUNTY	<p>Temporary suspension of new STRs in the following zones: R-1: Residential Zone R-1 R-1A: Residential Zone RA-1 R-2: Residential Zone R-2</p> <p>No zoning limitations prior to approval of Ballot Measure 21-203 on November 2, 2021.</p>
	MANZANITA	<p>Permitted outright in residential zones. Cap limiting STRs to 17.5% of dwellings within the following zones: R-2: Medium Density Residential R-3: High Density Residential SR-R: Special Residential/Recreational Zone</p> <p>STRs specifically called out in individual zoning districts; STRs are outright permitted uses and do not require a public hearing</p>
	SEASIDE	<p>R-2: Residential Medium Density (Conditional Use)* R-3: Residential High Density (Conditional Use)* R-R: Resort Residential (Conditional Use) R-C: Residential/Commercial (Conditional Use)</p> <p>*If more than 20% of the dwelling units within 100' of the subject property are licensed as an STR, a public hearing and review by the Planning Commission is required.</p> <p>Policies also limit STRs in the R-2 and R-3 zones to a maximum of 40-50% are STRs, depending on the property's location</p> <p>STRs specifically called out in individual zoning districts</p>

ZONING / LICENSING

	ZONING / LICENSING OPTION #1
OPTION	Prohibit new STRs in unincorporated Clatsop County and create an amortization schedule to phase out all existing STRs
NOTES	<ul style="list-style-type: none">• Potential takings litigation from existing STR owners/operators• Potential fiscal impacts:<ul style="list-style-type: none">○ 1% Countywide Tax: 30% distributed for jail operational costs; remaining 70% distributed to tourism promotion facilities○ 9.5% Unincorporated Tax Revenue: 73.68% to general fund; 7.90% for Arch Cape Rural Community Road and Drainage improvements; 18.42% for tourism promotion and related facilities• Would likely address a majority of the quality of life issues raised by proponents of this idea• Impacts from “day-trippers” to the beach would not be addressed• Would not guarantee that homes are used for long-term rentals or workforce housing• Would not guarantee that use of home by owner(s) would not impact quality of life issues• County would have fewer enforcement tools if the same complaints are generated by the use of the property by the owner (ex: no occupancy limits, on-street parking)

ZONING / LICENSING

	ZONING / LICENSING OPTION #2
OPTION	Establish a cap on the total number of STRs
NOTES	<ul style="list-style-type: none">• Potential takings litigation from existing STR owners/operators• Potential fiscal impacts:<ul style="list-style-type: none">○ 1% Countywide Tax: 30% distributed for jail operational costs; remaining 70% distributed to tourism promotion facilities○ 9.5% Unincorporated Tax Revenue: 73.68% to general fund; 7.90% for Arch Cape Rural Community Road and Drainage improvements; 18.42% for tourism promotion and related facilities• Would likely address a majority of the quality of life issues raised by proponents of this idea• Impacts from “day-trippers” to the beach would not be addressed• Would not guarantee that homes are used for long-term rentals or workforce housing• Would not guarantee that use of home by owner(s) would not impact quality of life issues• County would have fewer enforcement tools if the same complaints are generated by the use of the property by the owner (ex: no occupancy limits, on-street parking)

ZONING / LICENSING

	ZONING / LICENSING OPTION #3
OPTION	Prohibit STRs in all residential zones
NOTES	<ul style="list-style-type: none">• STRs are allowed in single-family dwellings. Single-family dwellings are permitted in residential zones, but not in commercial or industrial zones. Prohibition of STRs in residential zones would essentially prohibit STRs throughout unincorporated Clatsop County.• Other commercial uses are allowed in residential zones, including:<ul style="list-style-type: none">○ Home occupations○ Long-term rentals○ Bed and breakfasts○ RV parks○ Garage sales <p>If STRs are to be eliminated from all residential zones, other commercial uses should also be reviewed and potentially removed from these zoning districts as well.</p> <ul style="list-style-type: none">• Potential takings litigation from existing STR owners/operators• Potential fiscal impacts, as discussed in Options #1 and #2• Would likely address a majority of the quality of life issues raised by proponents of this idea• Impacts from “day-trippers” to the beach would not be addressed• Would not guarantee that homes are used for long-term rentals or workforce housing• Would not guarantee that use of home by owner(s) would not impact quality of life issues• County would have fewer enforcement tools if the same complaints are generated by the use of the property by the owner (ex: no occupancy limits, on-street parking)

ZONING / LICENSING

	ZONING / LICENSING OPTION #4
OPTION	Remove STRs as a permitted use in the Arch Cape zone and regulate all STRs through the business licensing process in Article 5 of the Clatsop County Code
NOTES	<ul style="list-style-type: none">• STRs would be viewed as the use of an already permitted use (single-family dwelling). This would be similar to holding a garage sale at a home. Special land use approval is not required to hold a garage sale but is considered a standard activity that occurs in a single-family dwelling• Potential legal challenge from residents• Impacts from “day-trippers” to the beach would not be addressed• Even with ordinance revisions, quality of life issues/complaint may still occur• Would create uniform regulations for all STRs within unincorporated Clatsop County• Moratorium may need to be extended in order to process zoning code amendments

ZONING / LICENSING

	ZONING / LICENSING OPTION #5
OPTION	<p>Extend the Arch Cape STR requirements to include Cove Beach / Coastal Residential (CR) zone. Add STRs with an occupancy of 6 or fewer renters as a permitted use to the CR zone. Rental applications for an occupancy exceeding 6 renters would be processed as a Type II conditional use. Apply Ordinance 19-04, with proposed revisions, to the remainder of unincorporated Clatsop County and regulate through licensing only.</p>
NOTES	<ul style="list-style-type: none">• The majority of complaints regarding STRs are generated in the Southwest Coastal Planning Area• STRs in Arch Cape are all permitted as a Type I use, regardless of occupancy. Arch Cape, however, is served by a sanitary sewer system.• Arch Cape STR ordinance would require revisions to address parking, as on-street parking is currently permitted in Arch Cape• Moratorium may need to be extended in order to process zoning code amendments• Rentals with an occupancy of 6 or fewer renters would permit 2 people per sleeping area, which is the approximately formula utilized by Environmental Health to determine STR occupancy and would equate to a 3-bedroom home• Permitted uses would require a development permit, which requires sign-offs from water, septic/sewer and fire• Conditional use applications for STRs with an occupancy greater than 6 would require public notice to surrounding property owners within 250 feet• Conditional use permits also require a development permit and sign-offs from septic/sewer, water and fire• New requirements would not apply until current permits begin to expire in 2023• Potential legal challenge from residents• Impacts from “day-trippers” to the beach would not be addressed• Even with ordinance revisions, quality of life issues/complaint may still occur• New process would not become effective for current STRs until current STR licenses begin to expire in 2023

ZONING

	ZONING / LICENSING OPTION #6
OPTION	Revise LAWDUC to allow STRs as permitted or conditional uses in all residential zones where single-family dwellings are permitted. Exclude from farm/forest resource zones consistent with ORS.
NOTES	<ul style="list-style-type: none">• Potential challenges from STR owners and residents• Moratorium may need to be extended to complete process• Impacts from “day-trippers” to the beach would not be addressed• Even with ordinance revisions, quality of life issues/complaint may still occur• Potential to add additional time/expense to the licensing process• New process would not become effective for current STRs until current STR licenses begin to expire in 2023

ADDITIONAL PROPOSED REVISIONS

1. **Revise definition of “sleeping area” to read:** “A fully enclosed habitable space within a dwelling unit designed, intended, or used for sleeping. The sleeping room shall have a permanent heat source and an emergency egress or rescue opening within the sleeping room itself. The emergency egress and rescue opening shall meet the minimum standards of the current Oregon Residential Specialty Code. Tents and recreational vehicles shall not be considered a sleeping area.”
2. **Emergency Info:** Add a requirement that emergency information include not only tsunami evacuation maps, but information on landslides, power outages and other emergencies. Consider adding a requirement that NOAA weather radios be provided on-site.
3. **Compliance with state regulations:** Add language that STRs are required to comply with any applicable health, safety, building and fire codes; and traveler’s accommodation statutes.
4. **Outside agent signage:** Require outdoor signage with STR designated agent contact information. Sign size limit TBD.
5. **Guest register:** Add requirement that the STR owner maintain a guest register that will include names, home addresses and phone numbers of the tenants and the dates of the rental period. The information must be made available for county inspection upon request and that failure to maintain or provide the required information may be grounds for a penalty.
6. **Hot tub / spa quiet hours:** Add language that would limit use of outdoor spas/hot tubs from 7AM-10PM. Add a requirement that the hours be posted, along with any other established rules governing use of the amenity. Notice should include a reminder that there should be no excessive noise at any time.

Next Steps:

January 26, 2022 – 5PM

Board of Commissioners Work Session

- Review proposed revisions
- Provide additional direction to staff

February 9, 2022 – 6PM

Board of Commissioners Meeting

- 1st Public Hearing

February 23, 2022 – 6PM

Board of Commissioners Meeting

- 2nd Public Hearing

Meeting Documents and Info

[Town Hall Meeting #1](#)

[Town Hall Meeting #2](#)

[Town Hall Meeting #3](#)

QUESTIONS?

JANUARY 22, 2022